

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RICKY DUDLEY, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

-v-

CHRISTIAN W.E. HAUB, ERIC CLAUS,
BRENDA M. GALGANO, RONALD
MARSHALL, SAMUEL MARTIN, THE
YUCAIPA COMPANIES LLC, RONALD
BURKLE AND FREDERIC BRACE,

Defendants.

**DOCUMENT FILED
ELECTRONICALLY**

Civil Action No: 2:11-cv-05196-WJM-MF

Honorable William J. Martini, U.S.D.J.

Honorable Mark Falk, U.S.M.J.

**NOTICE OF MOTION TO DISMISS THE
AMENDED COMPLAINT UNDER FED.
R. CIV. P. (9)(b), FED. R. CIV. P. 12(b)(6),
AND THE PRIVATE SECURITIES
LITIGATION REFORM ACT OF 1995**

ORAL ARGUMENT REQUESTED

Return Date: October 15, 2012

TO: All Counsel of Record

PLEASE TAKE NOTICE that on October 15, 2012 at 9:00 a.m. or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendants Christian W.E. Haub, Eric Claus, Brenda M. Galgano, Ronald Marshall, Samuel Martin and Frederic Brace (collectively, the "A&P Defendants") shall move before this Court for an order dismissing the Amended Complaint with prejudice pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) and the Private Securities Litigation Reform Act of 1995.

PLEASE TAKE FURTHER NOTICE that in support of this motion the undersigned counsel shall rely upon the Joint Brief and the Declaration of Sheila A. Sadighi filed herewith, and all other pleadings filed in this action. A proposed form of Order also is submitted herewith.

Dated: June 22, 2012

Respectfully submitted,

By: s/ Sheila A. Sadighi

Sheila A. Sadighi

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